

MARYLAND COMMISSION ON KIDNEY DISEASE

Thursday October 24, 2019

4201 Patterson Avenue

PUBLIC MINUTES

The Public Meeting of the Commission on Kidney Disease was held on Thursday, October 24, 2019 at 4201 Patterson Avenue. Chairman, Dr. Donna Hanes called the meeting to order at 2:08 P.M. Commissioners Dr. Adam Berliner, Dr. Jeremy Yospin, Dr. Sonal Korgaonkar, Dr. William Rayfield, Susan Leon, RN, Dr. Nadiesda Costa, Dr. Sumeska Thavarajah, Raymond Harris, Jacqueline Hires, LCSW NSW-C, Andrene Townsend, RN and Tisha Guthrie, LMSW were also present.

Commission staff present: Eva Schwartz, Executive Director and Donna Adcock, RN, Surveyor

Commission Counsel present: Leslie Schulman, AAG

Maryland Department of Health (MDH) representatives present: Jinlene Chan, M.D., Assistant Secretary of Health, Evidelia House, Office of Health Care Quality (OHCQ); Patricia Swartz, ImmuNet Coordinator, and Carol Manning, Chief of the Kidney Disease Program (KDP).

Guests present were:

Kelly Morgan, Astra Zeneca
Mary Kaiser, JHH
Dominique Chapman, JHH
Shannon Mullen, UMMC
Heather Weirich, IDF
Ernie Santmyire, WMHS
Sharon Culbertson, FMC
Laquia Bunt, Davita
Pam Earll, Davita
Kirsten Kelly, Davita
Pattie Dash, NKF
Jamie McNeill, Bon Secours
Robin Matthews, FMC

Emily Guerrier, Astra Zeneca
Suzanne Fockle, JHH
Terry Ziegler, JHH
Kim Sylvester, IDF
Janice Wise, FKC
Missy McCloskey, WMHS
Erin Dorrien, MHA
David Smith, Davita
Samantha Larkin, JHH
Angie Markwell, FKC
Kathleen Methric, Horizon
Dr. Khalid Al-Talib, Franklin Square
Hillary Murray, Davita

I. RATIFY APPROVAL OF THE MINUTES OF THE PUBLIC SESSION OF July 25, 2019

Commissioner Berliner motioned to ratify the approval of the Public Minutes from the July 25, 2019 session. Commissioner Yospin seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the July 25, 2019 Public Session.

II. RATIFY APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF July 25, 2019

Commissioner Thavarajah motioned to ratify the approval of the Closed Minutes from the July 25, 2019 session. Commissioner Berliner seconded the motion and the Commission voted unanimously to ratify the approval of the Minutes of the July 25, 2019 Closed Session.

III. CHAIRMAN'S REPORT

Dr. Hanes welcomed everyone to the meeting and requested introductions.

Dr. Hanes presented "The Decade of the Kidney: Focus on Diabetic Nephrology". The information presented highlighted new medications for Type 2 Diabetes which is the major contributor to chronic renal failure. It was pointed out that these new medications may extend the time between diagnosis and the need for dialysis.

IV. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwarz welcomed everyone to the meeting. She reported that this meeting would be Commissioner Rayfield's last meeting. She thanked him for his nine years of passionate

service including his influential testimony to the Legislature representing Commission and renal community.

V. OLD BUSINESS

- **Hospital challenges regarding discharging patients to outpatient facilities**

Dr. Thavarajah reported that Dr. Jinlene Chan, Assistant Secretary of Health, and members of the Maryland Hospital Association were present to express their challenges in discharging difficult to place patients into the Community for outpatient dialysis.

Mrs. Schwartz stated that the Commission often receives requests from hospital representatives for assistance in placing challenging patients into outpatient dialysis facilities. Mrs. Schwartz reminded the guests that the Commission does not have authority to force facilities to admit new patients or accept patients who have been involuntarily discharged according to regulations. Representatives from University of Maryland Medical System, Franklin Square Hospital, Johns Hopkins Hospital and dialysis organizations were present to talk about their respective issue and challenges.

After much discussion on the subject, Dr. Chan thanked the Commission for the opportunity to bring stakeholders together in an open forum and suggested forming a small group to partner in addressing the barriers and challenges.

VI. NEW BUSINESS

A. Kidney Disease Program (KDP) - Carol Manning

- **Stats and Budget**

Ms. Manning presented the KDP budget and statistics. She reported that that the KDP recently moved under the Prevention and Health Promotion Administration. Ms. Manning reported that she has received assurances that any shortfalls in the KDP budget would be covered to prevent disruption of services to beneficiaries. She noted that the KDP is working on a new platform for enrollment and case management to improve customer service to patients and providers.

- **Inquiry regarding the addition of Hepatitis C drug(s) to the KDP Formulary**

Mrs. Adcock reported that the Commission had received an inquiry from Medstar Georgetown's transplant center regarding coverage for antiviral drugs for treatment of Hepatitis C in transplant patients who are Hepatitis C negative receiving a kidney(s) from a Hepatitis C positive donor.

Discussion ensued including reports of the expense of drugs in this classification. The discussion was tabled for further consultation with legal counsel in Closed Session to follow after the adjournment of the Public Session.

B. ImmuNet Requirements

Patricia Swartz, MS, MPH reported on new Maryland regulations requiring health facilities, including dialysis facilities, to report immunizations to the Maryland Immunization Registry effective October 1, 2019. She noted that ImmuNet would provide a platform for patients and providers to access patients' consolidated vaccination history. Moving forward, all vaccinations must be reported to ImmuNet.

Discussion ensued. Ms. Swartz stated that vaccinations could be batch reported and requested that facilities contact ImmuNet to discuss specific requirements for batch reporting.

C. Repeated Deficiencies and Noncompliance with Submitted Plans of Correction

Mrs. Schwarz reported that the Commission is finding repeated deficient practices during surveys in some of the dialysis facilities. She discussed the responsibility of the Governing Body members to assure that the facility staff adhere to the submitted plans of correction. Repeat violations will result in the citation of the Governing Body for failure to effectively provide oversight and management of the facility.

Ms. Kelly, Regional Director for Davita reported that Davita has developed a more formalized review process and audit tools to improve compliance with the submitted plans of correction.

D. Nursing Staffing in Dialysis Facilities

Mrs. Adcock reported on the ongoing lack of appropriate numbers of registered nurses in the dialysis facilities. She noted that this practice is detrimental to the safety of the patients and negatively impacts the ongoing recruitment of registered nurses.

Guests reported difficulty recruiting nurses for their facilities. Discussion ensued. Mrs. Adcock noted that long hours, sending nurses home early and one nurse per shift per day may be affecting nurse satisfaction and retention. She noted that insufficient staffing practices are cited under the Governing Body which includes the Regional Director and Medical Director who are responsible to assure adequate staffing in the facilities.

Dr. Hanes directed the guests' attention to Attachment E, the Chairman's draft letter to Medical Directors and Administrators regarding the Commission's position on operating facilities without sufficient staff. The finalized letter will be disseminated to administrators and medical directors via email and posted on the Commission's website.

E. Initiate Medical Director Committee for Outreach Purposes

Mrs. Schwartz reported that the Commission would like to initiate a Medical Director Committee with involvement of facility Medical Directors. She noted that the group could present best practices, share experiences and further explore ways to decrease involuntary discharge of patients from nephrology practices.

F. Proposed 2020 Commission Meeting Dates

In light of the 2020 American Society of Nephrology the suggested October 22nd meeting was changed to October 29th.

- January 23
- April 23
- July 23
- October 29

G. Citation Free Surveys

Dr. Hanes congratulated the following facilities for achieving citation free surveys:

- Davita Greenbelt Home
- Davita Frederick
- FMC Franklin Square Home
- Davita Kidney Home Downtown
- Davita Briggs Chaney
- IDF Garrett

H. New Facility

Dr. Hanes reported that FMC South Annapolis has requested and received Commission certification.

I. Acquired Facilities

Dr. Hanes reported on the following facility acquisitions:

- ARA Ellicott City and ARA Ellicott Kidney Centers acquired by Davita
- Bon Secours Dialysis acquired by LifeBridge Health (11/2019)

J. Categories of Complaints

Dr. Hanes reported the Commission has received and resolved the following complaints since the July 2019 Commission meeting:

Written:

- Requests to involuntarily discharge patient for nonpayment (2)
- Requests for involuntarily discharge patient for dangerous behavior (2)
- Inquiry regarding a Transplant Center

Verbal:

- Complaint regarding blood on dialysis facility waiting room wall
- Patient complaint regarding facility response to power failure

K. Commission Approval/Disapproval for KDP Out of State Transplant Reimbursement

Dr. Hanes noted that the Commission received and approved the following out of state transplant prior approvals for KDP reimbursement purposes:

Hospital	Granted	Refused
MedStar Georgetown Transplant Center	3	0

L. Surveys

Dr. Hanes reported that the Commission surveyor surveyed 22 facilities since the July 2019 meeting. The categories and total number of citations are reported and trended for informational purposes.

Citations	Oct 2019	July 2019	May 2019	Jan 2019
Compliance with Federal, State and Local Laws and Regulations	0	0	0	0
Infection Control	12	14	16	14
Water and Dialysate Quality	9	10	6	7
Physical Environment	5	8	2	7
Patient Rights	0	0	1	0
Patient Assessment	3	0	2	1
Patient Plans of Care	8	4	6	3
Care at Home	2	1	0	0
Quality Assessment and Performance Improvement	0	0	0	1
Laboratory/Affiliation Guidelines	0	0	0	0
Personnel Qualifications/Staffing	11	14	12	11
Responsibilities of the Medical Director	0	0	0	0
Medical Records	3	0	2	2
Governance	4	5	2	4

M. Surveys Completed

The following 22 facilities have been surveyed since the July 2019 meeting:

- | | |
|--------------------------|------------------------------------|
| Davita Glen Burnie | Davita Gaithersburg |
| Davita Deer Creek | Davita Ballenger Creek |
| Davita Baltimore County | Davita Greenbelt Home |
| FMC Cross Keys | Davita Friendly Farms |
| Davita Largo Town Center | Davita Frederick |
| FMC Franklin Square Home | Davita Kidney Home Downtown |
| FMC Beltsville | Davita Briggs Chaney |
| Davita Annapolis | FMC Leonardtown |
| FMC LaPlata | Davita Wheaton |
| Davita Laurel | Western Maryland Regional Dialysis |
| Davita Forestville | Davita Windsor |

There being no further public business, upon motion made by Commissioner Yospin and seconded by Commissioner Berliner, the Commission unanimously voted to adjourn the Public Session at 4:11 P.M. and move into a Closed Session in accordance with General Provisions Article, §§ 3-103(a)(1)(i) and 3-305(b)(7), for the purpose of discussing adding Hepatitis C antiviral medications to the Kidney Disease Program's (KDP) Formulary; and consultation with legal counsel regarding legal issues related to the granting of approval.